

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard H. Harvey, et al.
Serial No.: 10/648,145
Filing Date: August 25, 2003
Group Art Unit: 2164
Examiner: Alicia M. Lewis
Confirmation No.: 3233
Title: WEB SERVICES APPARATUS AND METHODS

Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following Pre-Appeal Brief Request for Review is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. In the prosecution of the present Application, the PTO's rejections and assertions contain clear errors of law.

Most notable of the legal errors present in the examination of the Application is a failure of the Final Office Action dated June 21, 2010 (the "*Office Action*") and the Advisory Action dated August 18, 2010 (the "*Advisory Action*"), to establish prima facie rejections of at least independent Claims 1 and 5, which are rejected under 35 U.S.C. § 102(e) as being alternatively anticipated by U.S. Patent Application Publication No. 2004/0039738 issued to Cutlip ("*Cutlip*") or U.S. Patent Application Publication No. 2004/0002955 issued to Gadbois et al. ("*Gadbois*"). Appellants respectfully submit, however, that the rejections of at least independent Claims 1 and 5 are improper and should be withdrawn.

I. Neither reference discloses a parent object that stores “a repeating attribute that occurs more than once in the at least one directory parent object”

As a first example of the deficiencies of the *Office Action*, Appellants respectfully submit that neither *Cutlip* nor *Gadbois* disclose, teach, or suggest a directory parent object that stores “a repeating attribute that occurs more than once in the at least one directory parent object,” as recited in Claim 1.

In the *Office Action*, the Examiner continues to rely on Figures 3 and 15A-B of *Cutlip* as disclosing the recited claim elements. (*Office Action*, pages 4 and 10-11). Specifically, the Examiner states that “*Cutlip* teaches a directory parent object business entity 320, which has 1 to many discovery URLs, one to many contacts and zero to many business services. (*Office Action*, pages 10-11). However, Figure 3 “is a Unified Modeling Language (“UML”) diagram” providing “a precise description of the relationship between various entities.” (*Cutlip*, Page 3, paragraph 42). *Cutlip* specifically discloses that there is at least one (and may be many) Discovery URL objects being associated with the Business Entity object 320. (*Office Action*, Figure 3; Page 4, paragraph 42). Similarly, there are at least one (and may be many) Contacts objects being associated with a Business Entity 320 object. (*Office Action*, Figure 3; Page 4, paragraph 42). In contrast there may be zero to many Business Service objects being associated with Business Entity 320. (*Office Action*, Figure 3; Page 4, paragraph 42). Thus, *Cutlip* discloses a specific hierarchical structure that includes Discovery URL objects, Contacts objects, and Business Service objects each being associated with a Business Entity object. Even if the Examiner considers the BusinessEntity 320 of *Cutlip* to be a “parent object” and each of the URL objects, contacts objects, and business services objects of *Cutlip* to be child objects, there is no disclosure in *Cutlip* that the BusinessEntity object 320 stores repeating attributes.

Appellants claim does not recite that the parent object has a child object that stores repeating attributes. Rather, Appellants’ claim specifically recites that “the at least one directory ***parent object stor[es]*** a plurality of attributes, wherein the at least one directory ***parent object stores . . .*** a repeating attribute that occurs more than once in the at least one directory parent object.” The relationship between the objects, as disclosed in *Cutlip*, does not speak to the attributes that are stored in the Business Entity object, which the Examiner has identified as the parent object. (*Office Action*, pages 3 and 9). The URL objects, contacts objects, and business services objects are objects themselves. To the extent that these are child objects of the Business Entity object, the attributes of the disclosed child objects that are associated with the Business Entity object in the hierarchical structure of *Cutlip* (i.e., Discovery URL, Contact, Business

Service, Binding Template, and Tmodel) but are not attributes stored in the Business Entity object. Accordingly, *Cutlip* does not disclose, teach or suggest a directory parent object that stores both “at least one unique attribute that occurs only once in the at least one directory parent object and a repeating attribute that occurs more than once in the at least one directory parent object,” as recited in Claim 1.

For similar reasons, Appellants also continue to submit that these same claim elements are absent from the disclosure of *Gadbois*. *Gadbois* merely discloses a hierarchical structure in which each organization is represented by a node and includes sub-nodes for further information. In the *Office Action*, the Examiner points to business service nodes 242 as being analogous to Appellants’ parent object and business service1 243 and business service2 242 as being analogous to Appellants’ child objects. (*Office Action*, page 9). Even to the extent that one considers the identified nodes of *Gadbois* as being analogous to Appellants’ objects, there is not disclosure in *Gadbois* that the business service node 242, as the parent node, stores “a repeating attribute that occurs more than once in the at least one directory parent object,” as recited in Claim 1. In fact, *Gadbois* discloses that “an Organization1 is represented at node 22, and Organization2 is represented at node 224.” (*Gadbois*, page 3, paragraph 27). “Each organization node is typically coupled to a number of interior sub-nodes which contain further information, or links to further information, regarding the respective organization.” (*Gadbois*, page 3, paragraph 28). Thus, *Gadbois* merely discloses that the businessService 1 node and the businessService 2 node provide additional information about the various and different business services offered by Organization 1. There is no other disclosure of the contents of these nodes and specifically no disclosure of the contents of the business service nodes 242.

Again, Appellants’ respectfully note that Appellants’ claim does not recite that the parent object has a child object that stores repeating attributes. Rather, Appellants’ claim specifically recites that “the at least one directory *parent object stor[es]* a plurality of attributes, wherein the at least one directory *parent object stores* at least one unique attribute that occurs only once in the at least one directory parent object and a repeating attribute that occurs more than once in the at least one directory parent object.” The relationship between the business services objects and business services node objects, as disclosed in *Gadbois*, does not speak to the attributes that are stored in the Business Entity object, which the Examiner has identified as the parent object. (*Office Action*, pages 3 and 9). Stated differently, the attributes of the objects that are beneath the Business Services object in the hierarchical structure of *Gadbois* (i.e., BusinessService1 and BusinessService2) are attributes stored in the those child objects and not attributes stored in the

parent object. Accordingly, *Gadbois* does not disclose, teach or suggest a directory parent object that stores both “at least one unique attribute that occurs only once in the at least one directory parent object and a repeating attribute that occurs more than once in the at least one directory parent object,” as recited in Claim 1.

For at least these reasons, Appellants respectfully submit that the rejection of Claim 1, is improper. For analogous reasons, Appellants also submit that the rejection of independent Claim 5 is also improper.

II. Neither reference discloses “using the processor to remove the repeating attribute from the at least one directory parent object such that the at least one directory parent object comprises only unique attributes”

As another example of the deficiencies of the *Office Action*, Appellants respectfully submit that neither *Cutlip* nor *Gadbois* disclose, teach, or suggest “using the processor to remove the repeating attribute from the at least one directory parent object such that the at least one directory parent object comprises only unique attributes,” as recited in Claim 1. In the *Office action*, the Examiner states that “[b]oth *Cutlip* and *Gadbois* teach directory parent objects having repeating attributes and creating a directory child object associated with the repeating attributes.” (*Office Action*, page 10). The Examiner further states that “Both *Cutlip* and *Gadbois* teach that repeating attributes are moved into child objects and thus the directory parent object is left with only unique attributes.” (*Office Action*, page 12). Appellants respectfully disagree.

Rather, and as previously shown by Appellants, *Cutlip* merely discloses a hierarchical structure that includes at least one (and may be many) Discovery URL objects, Contact objects, BusinessService objects, BindingTemplate objects, and tModel objects being placed below a Business Entity object 320. (*Office Action*, Figure 3; Page 4, paragraph 42). Likewise, *Gadbois* discloses a hierarchical structure in which each organization is represented by a node and includes sub-nodes for further information. Specifically, business service1 243 and business service2 242 are sub-nodes that are placed below a business service node 242. (*Gadbois*, page 3, paragraph 28). Even to the extent that *Cutlip* and/or *Gadbois* disclose that repeating attributes are stored in the child objects (a fact that Appellants’ do not admit), there is no disclosure in either reference of removing the data from the parent object and placing the data the child objects.

In the *Office Action*, the Examiner acknowledges that “the references do not explicitly recite the language “removing the repeating attributes” but states that “it is clear that repeating attributes are represented as child objects and are, thus, removed from the directory parent

object.” (*Office Action*, page 12). Appellants respectfully disagree. Appellants’ claims recite a method consisting a specific combination of elements and operations. For example, Appellants claim begins with providing a database storing “at least one directory parent object storing . . . a repeating attribute that occurs more than once in the at least one directory parent object.” An operation is performed on the parent object that includes “remove[ing] the repeating attribute from the at least one directory parent object such that the at least one directory parent object comprises only unique attributes.” Even if the cited references disclose storing repeating elements in child objects, the claims do not disclose the step of “remove[ing] the repeating attribute from the at least one directory parent object such that the at least one directory parent object comprises only unique attributes.” Such a piecemeal rejection of Applicant’s claim fails to give credence to each element of Appellant’s Claim 1 and to the overall combination of features recited in the claim. The M.P.E.P. provides that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). Applicant respectfully submits that a rejection of Claim 1 under the *Cutlip* or *Gadbois*, which requires modification of adaptation of the disclosure of the references is inappropriate under 35 U.S.C. § 102, which requires that a “reference disclose[] within the four corners of the document not only all of the limitations claimed but also ***all of the limitations arranged or combined in the same way*** as recited in the claim.” *Net Moneyin* at *10 (emphasis added). Additionally, the rejection of Claim 1 under the *Cutlip* or *Gadbois*, in the manner proposed by the Examiner, fails to consider each and every word in the claim. For at least these additional reasons, neither *Cutlip* nor *Gadbois* disclose, teach or suggest “using the processor to remove the repeating attribute from the at least one directory parent object such that the at least one directory parent object comprises only unique attributes,” as recited in Claim 1.

For at least these reasons, Appellants respectfully submit that the rejection of Claim 1, is improper. For analogous reasons, Appellants also submit that the rejection of independent Claim 5 is also improper.

CONCLUSION

This Pre-Appeal Brief is being filed with a Notice of Appeal. The Commissioner is hereby authorized to charge \$540.00 as payment for the fee to file a Notice of Appeal, any additional required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to read "Jenni R. Moen", followed by a long horizontal flourish.

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Date: September 21, 2010

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